

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the above-referenced amendments and the following remarks. In the instant office action, the Examiner rejected claims 2-25 and 29-43. By this Amendment, Applicants have amended independent claims 5, 9, 10, 12, 32, 36, 37 and 39. In view of the instant amendment, Applicants respectfully submit that the instant application is in condition for allowance.

Rejections under 35 USC 103

The Examiner has rejected each of the pending claims in view of several references and various instances of “official notice”. Applicants respectfully submit that the cited references fail to disclose or suggest the claimed invention, as defined by any of the pending independent claims of the instant application. Applicants note that the instant invention is directed to an allocation system and method for a buyer-driven system. The cited references do not disclose or suggest a buyer-driven system. By the instant Amendment, Applicants have further highlighted the fact that the claimed invention is for use with a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service (2) a payment identifier specifying a financial account to be used to pay for the good or service upon acceptance of a conditional purchase offer by a seller and (3) authorization to charge said payment identifier for said good or service upon acceptance of said conditional purchase offer. After receipt of the buyer-specified price, payment identifier and authorization, the priority seller is only then provided with a first look opportunity to satisfy the conditional

purchase offer. These claimed features clearly highlight the fact that the present application is directed to a buyer-driven system. Providing a payment identifier and an authorization to charge this payment identifier, in advance of any consideration of the offer by or on behalf of any seller, is simply not taught or suggested in any reference.

Rather, in stark contrast to the claimed present invention, the cited references merely disclose traditional seller-driven systems in which sellers offer certain goods or services to buyers at seller-specified prices. In response to such seller offers, the references merely teach buyers placing orders for such goods or services at the seller-specified prices. As such, the references fail to disclose or suggest any form of buyer-driven system in which buyers make offers at a buyer-specified price.

Accordingly, Applicants respectfully submit that the cited references fail to disclose or suggest Applicants' present invention, as defined by any of the independent claims.

#### **REQUEST FOR AN INTERVIEW**

The Examiner is specifically requested to contact Applicants' undersigned representative for a telephonic interview to discuss any remaining issues.

**AUTHORIZATION**

If the Commissioner determines that an additional fee is due, or an additional extension of time required, applicant petitions for the extension of time, and authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 3553-4018. A duplicate of this sheet is included.

Respectfully submitted,  
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By: 

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